IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO. 208 of 2005

Between:

P.Chandrasekhar S/o.Laxminarayana, Flower Stall Contractor,
H.No.11/862-2, Ramayampet Village & Mandal,
Medak Dist.

..... PETITIONER

AND

1 The Managing Director, APSRTC, RTC Bhavan, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Medak Region, Medak District at Sanga Reddy.
3 The Manager APSRTC., Medak Depot, Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a "Writ of Mandamus" declaring that the Order No. P2/122(6)-2002-RM - MR. dt 3-1-2005 and also order No. P2/122(6)-2002 R.M- M.R.dt 28-3-2003 as illegal, unjust and quash both the orders and in consequence, direct the respondents not to initiate any action against the petitioner's flower stall situated in the Bus Complex of Ramayampeta bus Station,Medak Dist,Andhra Pradesh untill the OS No.29/2003 is disposed of by the court of the Jr.Civil Judge,Medak, Medak District.

Counsel for the Petitioner:DR.PUNDLA BHASKARA MOHAN

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD (SC FOR APSRTC)

The Court at the admission stage made the following Order:

This writ petition is filed questioning the orders dated 28.03.2003 and 03.01.2005.

Learned counsel for the petitioner vehemently contended that as per the agreement, the licence of the petitioner to run the Flower Stall cannot be terminated without giving three months notice as stipulated in Clause No.6 of Deed of Licence dated 28.10.2002 executed between the parties and, therefore, the orders under challenge suffer from legal infirmities and hence, he prays to quash the same.

On the other hand, learned Standing Counsel appearing for the respondent-Corporation contended that a show cause notice was issued to the petitioner as he was violating the terms and conditions of the Deed of Licence and, therefore, the orders under challenge does not suffer from any legal infirmities so as to call for interference of this Court.

The petitioner was granted a licence by the respondent-corporation to run Flower Stall at the A.P.S.R.T.C. Bus Complex, Ramayampet, for a period of three years and to that effect an agreement dated 28.10.2002 was entered into between the parties. Because the petitioner has violated the terms and conditions of the Deed of Licence by unauthorisedly selling the items which are not covered under the deed, a notice dated 03.03.2003 was issued by the 2nd respondent calling upon the petitioner to show cause as to why his licence should not be cancelled. The petitioner submitted his explanation and as the explanation was not satisfactory, the order dated 28.03.2003 was passed canceling the licence of the petitioner's Flower Stall. Challenging the action of the respondents, the petitioner filed a civil suit. The contract entered into between the parties is purely a civil dispute. Unless it is shown that there was arbitrariness on the part of the respondent-Corporation, this Court will not interfere with the contractual matters. After giving show cause notice, the deed of licence was duly cancelled by the respondents. Therefore, the impugned orders do not suffer from any legal infirmities so as to call for interference of this Court.

The writ petition is devoid of merit and it is dismissed at the stage of

admission. However, any observation made in this order will not have any bearing or effect in the civil suit filed by the petitioner in respect of the very same relief. No costs.

19.01.2005

usd

To

1 The Managing Director, APSRTC, RTC Bhavan, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Medak Region. Medak District at Sanga Reddy.
3 The Manager APSRTC., Medak Depot, Medak Dist.

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